

HB-1668

Submitted on: 2/1/2020 11:13:37 PM

Testimony for JUD on 2/3/2020 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Brett Kulbis	Honolulu County Republican Party	Support	No

Comments:

Honolulu County Republican Party supports HB 1668.

The convenient and innovative mail-in ballot is vulnerable to manipulation. The process of ballot harvesting should be illegal. It violates the chain of custody, exposing the ballot to potential manipulation by campaign operatives or nonprofit political groups. They could harass voters to turn in ballots, "assist" them in filling them out, and potentially "lose" ballots that don't support the candidate the ballot harvester is helping.

Election security is more than Russian hackers trying to change votes. We must secure the chain of custody of ballots, validate the identity of the voter, and maintain updated voter lists.

Statement Before The
HOUSE COMMITTEE ON JUDICIARY
Monday, February 3, 2020
2:05 PM
State Capitol, Conference Room 325

in consideration of
HB 1668
RELATING TO ELECTIONS.

Chair LEE, Vice Chair SAN BUENAVENTURA, and Members of the House Judiciary Committee

Common Cause Hawaii opposes HB 1668. HB 1668 provides that under the new all vote by mail law only a designated agent can deliver a ballot on behalf of another and prohibits ballot harvesting with violators punished under felony voter fraud statutes.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening democracy through voting modernization efforts that increase civic engagement, voter turnout, and voter participation in our democratic processes.

Act 136, Session Laws of Hawaii 2019, which provides that all Hawaii elections will be by mail starting in 2020, was enacted with the intent of boosting Hawaii's voter turnout, which is one of the lowest in the Nation.

HB 1668 will, however, negate the new all Vote By Mail's objective and make voting more difficult. A person having another deliver a ballot for him or her will have to "execute an affidavit under penalty of perjury". Page 3, line 4. This will affect the homebound, our kapuna, people with disabilities, and countless others. This will affect me when I drop off my partner's ballot and our collective mail.

In reality, HB 1668 will harm the most vulnerable among us. HB 1668 will harm minority communities where voters may not be near a voter service center, have transportation available to them, or live near public transportation lines. HB 1668 will harm communities in rural areas who do not live near mailing locations. Further, one, two, or even three different people living in a single multi-generational house common in Hawaii may be designated to deliver ballots to the nearest post office or place of deposit or voter service center. To require affidavits of individual voters would chill their right to vote and disenfranchise voters.

For these reasons, Common Cause Hawaii opposes HB 1668.

Thank you for the opportunity to testify in opposition to HB 1668. If you have further questions of me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii



LATE

Board of Directors:

HOUSE COMMITTEE ON JUDICIARY

Gary L. Hooser
President

Monday, February 3, 2020 2:05 PM, Conference Room 325

Hawaii Alliance for Progressive Action OPPOSES HB 1668

Andrea N. Brower
Ikaika M. Hussey
Co-Vice Presidents

Aloha Chair Lee, Vice Chair San Buenaventura, and Members of the House Judiciary Committee,

Kim Coco Iwamoto
Treasurer

The Hawaii Alliance for Progressive Action opposes HB 1668. HB 1688 provides that under the new all vote by mail law only a designated agent can deliver a ballot on behalf of another and prohibits ballot harvesting with violators punished under felony voter fraud statutes.

Paul Achitoff

Act 136, Session Laws of Hawaii 2019, which provides that all Hawaii elections will be by mail starting in 2020, was enacted with the intent of boosting Hawaii's voter turnout, which is one of the lowest in the Nation.

Laura Harrelson

Kaleikoa Ka'eo

Michael Miranda

Walter Ritte Jr.

Pua Rossi-Fukino

Karen Shishido

Leslie Malulani Shizue Miki

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For these reasons, HAPA opposes HB 1668.

Mahalo for your consideration. HAPA is a member of the Common Good Coalition.

Sincerely,

A handwritten signature in black ink, appearing to read "Anne Frederick", with a horizontal line extending to the right.

Anne Frederick
Executive Director

TO: HOUSE COMMITTEE ON JUDICIARY
RE: HB1668 RELATING TO BALLOT HARVESTING.

Clarifies that only a designated agent can deliver a ballot on behalf of another. Prohibits ballot harvesting. Violators will be punishable under felony voter fraud statutes.

FOR HEARING ON Monday February 3, 2020

FROM: Kenneth R. Conklin, Ph.D.
46-255 Kahuhipa St. Apt. 1205
Kane'ohe, HI, 96744
Tel. 808.247.7942

Testimony in support BUT WARNING ABOUT 9TH CIRCUIT COURT DECISION

I strongly support a prohibition against ballot harvesting, and severe penalties for anyone who engages in it. In previous years I repeatedly testified against mail-only voting, and I specifically warned against the likelihood of fraud resulting from harvesting of ballots by labor union leaders, employers, and politicians who collect ballots from captive or vulnerable voters in nursing homes, union meeting halls, employee events, or through door-to-door canvassing by unscrupulous candidates (like the widely reported targeting of frail or cognitively impaired elderly voters in their homes by Romy Cachola, who "helped" them fill out their ballots).

However, this committee needs to be alerted that the 9th Circuit Court of Appeals, in an en-banc decision reversing its own earlier decision by a 3-judge panel, just last week struck down an Arizona law similar to the one being proposed in this bill. That decision is especially significant for Hawaii because our State is under the jurisdiction of that 9th Circuit Court.

Please do not abandon your efforts to pass a law prohibiting ballot harvesting. I recommend you ask lawyers in the Legislative Reference Bureau or professors or students at the University of Hawaii law school to research the Arizona law and the 9th Circuit ruling in order to find a way to write a law whose language would be able to survive court challenges.

Below are excerpts from one of many news reports about the 9th Circuit decision.

<https://www.indianz.com/News/2020/01/28/court-voids-state-ballot-harvesting-ban.asp>

Tuesday, January 28, 2020
By MacKinley Lutes-Adlhoch
Cronkite News. cronkitenews.azpbs.org

** Excerpts

Court voids state ‘ballot harvesting’ ban

WASHINGTON – A divided federal appeals court Monday overturned Arizona’s ban on ballot-harvesting

The 239-page ruling by the full 9th U.S. Circuit Court of Appeals laid out in exacting detail the state’s history of election policies aimed at suppressing votes by black, Hispanic and Native American voters

** Note that this was an en-banc decision which reversed an earlier 3-judge panel of the same court.

Monday’s ruling is the latest in a tangled history for the case that was filed by state and national Democratic parties after Arizona lawmakers in 2016 passed HB 2023, a law that banned the practice of “ballot harvesting,” the practice of collecting and delivering mail-in ballots for others.

The suit claimed that the law targeted minority voters, who were more likely to use ballot-harvesting services than white voters because of distance to ballot drop-off centers, distance to a post office and unreliability of mail service in low-income or minority communities.

HB-1668

Submitted on: 2/1/2020 2:57:26 PM

Testimony for JUD on 2/3/2020 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Gerard Silva	Individual	Oppose	No

Comments:

We can not trust any Agent connected to the Government County of State.

This needs to Be Stoped!!!!

HB-1668

Submitted on: 2/1/2020 11:19:35 PM

Testimony for JUD on 2/3/2020 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Kunitake	Individual	Oppose	No

Comments:

Dear Chair Lee and Members of the Committee of the Judiciary,

I am writing to oppose HB1668. HB 1688 provides that under the new all vote by mail law only a designated agent can deliver a ballot on behalf of another and prohibits ballot harvesting with violators punished under felony voter fraud statutes.

Act 136, Session Laws of Hawaii 2019, which provides that all Hawaii elections will be by mail starting in 2020, was enacted with the intent of boosting Hawaii's voter turnout, which is one of the lowest in the Nation.

HB 1668 will, however, negate the new all Vote By Mail's objective and make voting more difficult. A person having another deliver a ballot for him or her will have to "execute an affidavit under penalty of perjury". Page 3, line 4. This will affect the homebound, our kapuna, people with disabilities, and countless others.

In reality, HB 1668 will harm the most vulnerable among us. HB 1668 will harm minority communities where voters may not be near a voter service center, have transportation available to them, or live near public transportation lines. HB 1668 will harm communities in rural areas who do not live near mailing locations. One, two, or even three people may be designated to deliver ballots to the nearest post office or place of deposit or voter service center. To require affidavits of individual voters would chill their right to vote and disenfranchise voters.

Please consider the negative impacts of HB1668 and how it reduce the inclusivity of vote by mail.

Mahalo,

Caroline Kunitake

HB-1668

Submitted on: 2/2/2020 4:27:19 AM

Testimony for JUD on 2/3/2020 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Best	Individual	Oppose	No

Comments:

HB-1668

Submitted on: 2/2/2020 12:31:38 PM

Testimony for JUD on 2/3/2020 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Polk	Individual	Support	No

Comments:

I strongly support this bill! I have, in the past, opposed all-mail voting specifically because it opens new opportunities for people to interfere in the elections. In the voting booth, only the voter is allowed to be present, unless the voter needs help. Although many good organizations and people may wish to help increase the vote by collecting ballots for deposit, there have been cases in the past on the mainland in which someone uses that excuse to interfere by disposing of ballots believed to be for the "wrong" person.

Although I dislike adding yet another felony to the books, ***I consider any interference in elections to be a serious crime against all of us***, because it undermines the basis of our democracy.

Please pass HB1668!

HB-1668

Submitted on: 2/2/2020 12:46:22 PM

Testimony for JUD on 2/3/2020 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Dursin	Individual	Oppose	No

Comments:

HB1668, which apparently was designed to stop the harvesting of ballots, seems unnecessary. Worse yet, for many it makes voting more difficult.

As far as harvesting goes, the law is already in place to make voting for another a Class C felony. So what if a union or a party or a candidate support group wants to pick up someone's ballot and turn it in or mail it? By law, they cannot even put a stamp on anyone's ballot but their own. The ballot is secret -- sealed and signed. I have not heard that there has been abuse of the ballot delivery process.

Requiring affidavits of voters just makes voting one step harder. The State should be doing everything in its power to make voting convenient and satisfying.

HB-1668

Submitted on: 2/2/2020 6:40:23 PM

Testimony for JUD on 2/3/2020 2:05:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Donna P. Van Osdol	Individual	Support	No

Comments:

The mail-in ballot system has many people nervous about fraud and ballot harvesting. I support this bill. Our election system is sacred to me; hence, we should keep the entire voting process honest and fair.

Donna Van Osdol

HB-1668

Submitted on: 2/3/2020 6:56:01 AM

Testimony for JUD on 2/3/2020 2:05:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Dr Marion Ceruti	Individual	Support	No

Comments:

The prohibition of ballot harvesting is an excellent idea. We need this legislation to prevent voter-fraud disasters like those in California. This is a great bill and should be supported to ensure that our elections are fair and that only legal votes count.